

SEP 13 2010

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

RUSSELL L. EBERSOLE,)
Plaintiff,) Civil Action No. 7:08cv00503
v.)
BRUCE CONOVER, ET AL.,)
Defendants.) FINAL ORDER ADOPTING REPORT
) AND RECOMMENDATION
) By: Samuel G. Wilson
) United States District Judge

This is an action pursuant to 42 U.S.C. § 1983 by plaintiff, Russell L. Ebersole, a former federal inmate proceeding pro se, arising out of his temporary incarceration at the Northwestern Regional Adult Detention Center. The court referred the case to the United States Magistrate Judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)B). The Magistrate Judge has filed a report and recommendation recommending that the court either enter summary judgment or dismiss Ebersole's claims. Ebersole has not filed timely objections to the report and recommendation, and upon review of the record the court is of the opinion that the report should be adopted.

Accordingly, it is **ORDERED** and **ADJUDGED** that summary judgment is entered in favor of defendants, Superintendent Bruce Conover, Captain David J. Pitts, Captain Kathy Sasser, Captain Allen Barr, Officer Deborah Hamilton, Assistant Director of Nursing Diane Bolinger, and Bureau of Prisons Case Manager Kim Rodrigue; and all other claims against any unserved defendants are **DISMISSED** without prejudice. This case is **STRICKEN** from the court's docket.

ENTER: This September 13, 2010.



UNITED STATES DISTRICT JUDGE